

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:23-00048

DANIEL PHILLIP BECKMAN

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion of defendant for a continuance of trial in this matter and for a finding of excludable time under the Speedy Trial Act. (ECF No. 20.) In support of defendant's motion, counsel for defendant explains that additional time is needed to review the plea agreement and review discovery. The government does not oppose defendant's motion.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." Id. § 3161(h)(7)(B)(iv).

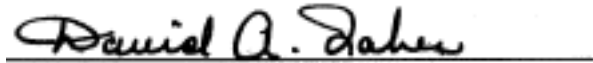
Accordingly, the court hereby **ORDERS** as follows:

1. Jury Instructions and Proposed Voir Dire are due by September 21, 2023;
2. Trial of this action is continued to October 3, 2023, at 9:30 a.m. in Charleston; and
3. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 30th day of August, 2023.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge